

In re Howard J. WERNICK and M. Penny Wernick, Debtors

A.M.S. Printing Corp., Plaintiff,

v.

Howard J. Wernick and M. Penny Wernick, et al., Defendants,
and

Mariela Graphics, Inc., Garnishee

No. 97-24459-BKC-RBR

Adv. No. 97-1130-BKC-RBR-A

(Cite as: 242 B.R. 194)

Creditor obtained a final judgment determining that debt was non-dischargeable. After the case was closed, Creditor began enforcement efforts by having the Clerk of this Court issue a writ of garnishment. Debtors filed a motion to dismiss garnishment proceeding arguing that the garnishment proceeding did not "relate to" a bankruptcy case because the outcome of the proceeding would in no way impact the bankruptcy estate. The Court held that, although the litigation between the Creditor and the Debtors that resulted in the non-dischargeable judgment was related to the Debtors' bankruptcy estate, the dispute over collection of the debt was not related to the bankruptcy estate. Therefore, the garnishment proceeding does not "relate to" a case under Title 11 of the United States Code. Motion to dismiss granted.